Demographic Overview
Of
Aboriginal Peoples in Canada
And
Aboriginal Offenders in Federal Corrections

1999

Aboriginal Issues Branch
CSC

Introduction

The following examines the demographic and socio-economic data on Aboriginal people. It is important to analyze this data as several studies have demonstrated a link between criminality and socio-economic conditions. Crime rates within Aboriginal communities are generally higher than the national crime rate. This is often attributed to the low socio-economic status of Aboriginal people such as high unemployment, substandard housing, inadequate health care and lack of recreational opportunities. These are all factors that may lead to crime. Section 2 provides a comparative analysis of Aboriginal and non-Aboriginal involvement in the criminal justice system.

1.0 General Overview of Aboriginal Peoples

The 1996 Census revealed that approximately two-thirds of the Aboriginal population, or 554,000 people, were North American Indian, one-quarter or 210,000 were Métis and 41,000, were Inuit. These numbers slightly exceed the total Aboriginal population of 799,010 since a small number, about 6,400, reported that they considered themselves as members of more than one Aboriginal group. The population base identifying as off-reserve Aboriginal people is also quite high. According to the 1996 Census, Aboriginal people identifying themselves as off-reserve include the following: Metis-210,000; Non-Status Indians-93,000; off-reserve Status Indians – 260,800. It should be noted that the 1996 Census data cannot be compared to data from the 1991 Census and previous censuses. Prior to 1996, census data on Aboriginal persons were derived from a question that asked about their ethnic origin or ancestry. The 1996 Census included a new question that asked more directly if the person is an Aboriginal person, that is, North American Indian, Métis or Inuit. The ethnic origin question was modified in the 1996 Census. (Statistics Canada, 1998).

Table 1: Aboriginal identity population(1)

	Total population	Total Aboriginal population	Aboriginal population as % of total population
			%
Canada	28,528,125	799,010	2.8
Newfoundland	547,160	14,205	2.6
Prince Edward Island	132,855	950	0.7
Nova Scotia	899,970	12,380	1.4
New Brunswick	729,630	10,250	1.4
Quebec	7,045,080	71,415	1.0
Ontario	10,642,790	141,525	1.3
Manitoba	1,100,295	128,685	11.7
Saskatchewan	976,615	111,245	11.4
Alberta	2,669,195	122,840	4.6
British Columbia	3,689,755	139,655	3.8
Yukon Territory	30,655	6,175	20.1
Northwest Territories	64,120	39,690	61.9

Source: Statistics Canada. The Daily. January, 1998. 1996 Census: Aboriginal Data
(1)The population who reported identifying with at least one Aboriginal group: North American Indian, Métis or Inuit.

The Atlantic provinces and Quebec accounted for 14% of Canada's Aboriginal population in 1996. The highest concentrations of Aboriginal people were in the North and on the Prairies. More than four out of every five Aboriginal persons lived west of Quebec. Ontario and British Columbia both had about 140,000 Aboriginal people, highest among the provinces, although they represented only 4% of British Columbia's total population and 1% of Ontario's. Manitoba was in third place with 128,685 Aboriginal people. They accounted for 12% of Manitoba's population, the highest proportion among the provinces. Aboriginal people accounted for 11% of Saskatchewan's population, and 4.6% of Alberta's.

Table 2: Aboriginal identity population(1)

North2	Métis2	Inuit2	American Indian
Canada	554,290	210,190	41,080
Newfoundland	5,430	4,685	4,265
Prince Edward Island	825	120	15
Nova Scotia	11,340	860	210
New Brunswick	9,180	975	120
Quebec	47,600	16,075	8,300
Ontario	118,830	22,790	1,300
Manitoba	82,990	46,195	360
Saskatchewan	75,205	36,535	190
Alberta	72,645	50,745	795
British Columbia	113,315	26,750	815
Yukon Territory	5,530	565	110
Northwest Territories	11,400	3,895	24,600

Source: Statistics Canada. The Daily. January, 1998. 1996 Census: Aboriginal Data

(1) The population who reported identifying with at least one Aboriginal group: North American Indian, Métis or Inuit.
(2) Single and multiple responses have been combined.

The highest concentrations of Aboriginal people were in the North. The 39,690 Aboriginal people in the Northwest Territories represented 62% of its total population. There were 6,175 Aboriginal people in the Yukon, representing 20% of its population. Three of every ten Aboriginal people lived on rural reserves, and another three in ten lived in census metropolitan areas. One-quarter lived in urban areas other than census metropolitan areas, and one-fifth in rural areas other than reserves.

1.1 Aboriginal Peoples in Census Metropolitan Areas

Table 3 reveals that there were 171,000 Aboriginal people who lived in seven of the country's twenty-five census metropolitan areas in 1996. They included: Winnipeg, Edmonton, Vancouver, Saskatoon, Toronto, Calgary and Regina. Winnipeg had the highest Aboriginal population at 45,750, followed by Edmonton at 32,825 and Vancouver at 31,140.

Table 3: Aboriginal identity population in selected census metropolitan areas(1)

	Total population	Total Aboriginal population	Aboriginal opulation as % of total population
Toronto	4,232,905	16,100	0.4
Winnipeg	660,055	45,750	6.9
Regina	191,480	13,605	7.1
Saskatoon	216,445	16,160	7.5
Calgary(2)	815,985	15,200	1.9
Edmonton	854,230	32,825	3.8
Vancouver(2)	1,813,935	31,140	1.7

Source: Statistics Canada. The Daily. January, 1998. 1996 Census: Aboriginal Data

(1)The population who reported identifying with at least one Aboriginal group: North American Indian, Métis or Inuit.
(2) These CMAs contain, within their boundaries, Indian reserves which were incompletely enumerated during the 1996 Census. Consequently, their counts of North American Indians are affected by this incomplete enumeration.

Aboriginal people accounted for 7.5% of Saskatoon's population, the highest proportion of any census metropolitan area. Regina and Winnipeg accounted for 7.1% and 6.9% of Aboriginal people. They represented only 1.7% of the population of Vancouver, Canada's third largest census metropolitan area. Aboriginal people represented less than 1% of the population in Toronto and Montreal. However, Toronto had the fifth highest number of Aboriginal people among the census metropolitan areas. Urban centres had significantly higher shares of Aboriginal people among the younger age groups. Aboriginal children under 15 accounted for 12% of young people in this age group in Winnipeg, 13% in Regina and 13% in Saskatoon. (Statistics Canada, 1998).

1.2 Aboriginal Youth

The Aboriginal population in 1996 was ten years younger on average than the general population. The average age of the Aboriginal population in 1996 was 25.5 years, compared to 35.4 years in the general population. Children under fifteen accounted for 35% of all Aboriginal people, compared with only 20% of Canada's total population. Children in this age group accounted for 38% of all Aboriginal people on rural reserves, the highest share for any geographical area, compared with 32% in census metropolitan areas. The proportion of young people aged 15 to 24 was also greater among the Aboriginal population than in the total population. These young people represented almost one-fifth (18%) of all age groups within the Aboriginal population, compared with 13% in the general population. Approximately, 4% of the Aboriginal population was aged 65 and over, compared with 12% of the general population. (Department of Indian and Northern Affairs Canada, 1998).

Table 4: Geographic Distribution of Aboriginal Population

%

Canada	100.0
Newfoundland	1.8
Prince Edward Island	0.1
Nova Scotia	1.5
New Brunswick	1.3
Quebec	8.9
Ontario	17.7
Manitoba	16.1
Saskatchewan	13.9
Alberta	15.4
British Columbia	17.5
Yukon Territory	0.8
Northwest Territories	5.0

Source: Statistics Canada. The Daily. January, 1998. 1996 Census: Aboriginal Data

As illustrated in Table 4, the province of Ontario had more North American Indians than any other province. Alberta had the largest Métis population, while the Northwest Territories had the largest Inuit population. Over a quarter of all the Aboriginal people in Canada lived in census metropolitan areas. The census metropolitan area of Winnipeg, for example, had more Aboriginal people than the entire Northwest Territories. The highest concentrations of Aboriginal people were in the North and on the Prairies. More than four out of every five Aboriginal persons lived west of Quebec and forty-five per cent lived in the Prairie provinces. Ontario and British Columbia both had about 140,000 Aboriginal people which was the highest amongst the provinces. (Statistics Canada, 1998)

1.3 Aboriginal Population

Approximately, one third of all Aboriginal children under the age of 15 in Census families live in a lone-parent family, twice the rate within the general population. The rate was even higher in urban areas. About 46% of Aboriginal children under 15 in Census families who lived in a census metropolitan area were in a lone-parent family. One-quarter of the Aboriginal population reported that they had an Aboriginal language as mother tongue. Cree was the largest Aboriginal mother tongue. The number of people who could speak an Aboriginal language was about 10% higher than the number who reported an Aboriginal mother tongue, indicating that a significant number of persons learned such a language later in life. (Department of Indian and Northern Affairs Canada, 1998).

1.4 Demographic and Socio-Economic Data

Increasing evidence points to a strong correlation between socio-economic disadvantage and involvement with the criminal justice system. A large proportion of the Aboriginal population in Canada suffers socio-economic disadvantage in comparison to non-Aboriginal Canadians. The social and economic conditions outlined in the section below illustrates a correlation between these factors and Aboriginal involvement with the criminal justice system. Poverty, inadequate educational opportunities, unemployment, poor living conditions, alcohol abuse and domestic violence all contribute to Aboriginal people coming into conflict with the law. The challenges to which the criminal justice system must respond are rooted in addressing these disadvantaged conditions.

1.5 Demographics

The total registered Indian population has increased from 230,902 in 1967 to 642,414 in 1998. With the reinstatement of status to many Indians through Bill C-31, the registered Indian population is expected to reach approximately 900,000 in 2015, a 74 per cent increase. As of December 31, 1998, 51.0 per cent of registered Indians living on reserve were male and 49.0 per cent were female. Off reserve, 46.1 per cent of Indians were

male and 53.9 percent were female. Of these, 58 percent (or 375,727) of the registered Indian population in Canada lived on reserve (including Crown lands and settlements) and 42 per cent (or 266,687) lived off-reserve. Close to eight out of ten registered Indians lived on reserve in 1967, but this proportion dropped to less than six out of ten in 1992. The high growth rate for the off-reserve population between 1986 and 1989 is largely attributed to the reinstatement under Bill C-31. (Department of Indian and Northern Affairs Canada, 1998)

As of December 31, 1998 there were 624 registry groups in Canada. Of the 624 registry groups, 4.8% have populations under 100, 15.4% have populations of 100-249, 21% have populations of 250-499, 25.1% have population of 500-999, 22.3% have population of 1000-1999 and 22.3% have populations of 2000 or more members. The average band membership is 1,030. The total registered Indian population almost doubled in all regions over the last fifteen years. By region, the proportion of registered Indians living on reserve (including Crown lands and settlements) in 1997, ranged from a low of 51.5 per cent in the Yukon to a high of 73 per cent in the Northwest Territories. South of 60°, Quebec had the highest proportion of its Indian population living on reserve in 1997 (69.6%). The largest proportional gains between 1982 and 1997 were in Manitoba, Atlantic and Alberta region, where the on-reserve population increased by 76.2, 72.9 and 68.6 per cent respectively. Alberta is expected to have the largest percentage increase (43%) in its on reserve population among all regions between 1992 and 2005. The province of British Columbia and the Territories could expect increases of approximately 16 percent on average. (Department of Indian and Northern Affairs Canada, 1998)

1.6 On and Off-Reserve Population

The proportion of on-reserve Indians living in urban, rural, remote or special access areas has increased between 1982 and 1997, from 39.4 to 44.4 per cent. In 1997, more than one third of on-reserve Indians (35.9%) lived in DIAND urban zones while almost one-fifth (18%) of Indians lived in special access zones. Special access zones have no year-round access to a service centre. Of the on-reserve population, 35.9% live in urban areas, 44.4% live in rural areas, 1.8% live in remote areas and 17.9% live in special access areas. In 1997, eighty per cent of on-reserve Indians lived in urban and rural areas. Registered Indians represented a sizeable portion of the Census Metropolitan Area (CMA) Aboriginal population across Canada. The province with the highest proportion of Registered Indians as a component of Aboriginal presence in CMAs was Saskatchewan (42.3%), followed by Manitoba (30.1%), British Columbia (25.4%) and Alberta (24.9%). (Statistics Canada, 1998).

The off-reserve population increased substantially between 1982 and 1997 from 96,538 to 261,629. The off-reserve population continued to grow at a faster rate than the on-reserve population. Growth was particularly high between 1982 and 1988 with the implementation of Bill C-31. In 1988, 17, 718 registrants were added to the Indian Register under the legislation of Bill C-31. As of December 31, 1997 there are a total of 107, 577 Bill C-31 registrants. The proportion of off-reserve Indians increased from nearly 22 percent in 1967 to 41 percent in 1992, as most of Bill C-31 registrants reside off reserve. All regions have seen their respective share of off-reserve Indians increase. The largest off-reserve regional gains south of 60° between 1967 and 1992 were in Saskatchewan and Alberta with both increases of 86 percent. Quebec and the Atlantic regions had the lowest increases but still tripled their respective off-reserve populations over the period. The province of Quebec, the Atlantic and Manitoba regions are expected to have the largest increases in the off-reserve population south of 60°. (Statistics Canada, 1998).

The Aboriginal population is growing much more rapidly that the general Canadian population. The average number of children born to Canadian women overall is about 1.7; the fertility rate for registered Aboriginal women is approximately 2.9 children, thus driving a rapid rate of population growth. In 1997, almost half of the registered Indian population (49.0%) were less than 25 years of age. For Canada as a whole, 33.5 per cent of the population fell into under the 25 age cohort. The Aboriginal population rate for those under twenty-five years of age will have a significant impact upon the criminal justice system. Research indicates that the most vulnerable age group to criminal justice processing is between 15-24 years of age. According to Department of Indian and Northern Affairs population estimates, it was projected for 2012, that there would be 835,108 registered Indians in Canada. Fifty-eight percent (487,599) will be on-reserve and forty-two percent (347,503) off-reserve.

1.7 Life Expectancy and Mortality Rates

Life expectancy for registered Indians at birth is increasing and will continue to increase. Between 1975 and 2015, the life expectancy of registered Indians at birth is expected to increase by approximately 14 years for both sexes. Life expectancy for Registered Indians at birth has been steadily increasing since 1975 when it was 59 years for men and 66 years for women, to 67 and 74 respectively in 1990. By 2015, life expectancy is projected to increase to 73 years for men and to 80 years for women. However, a gap of approximately 6.4 years remains between the Registered Indian and Canadian populations in 1995. The mortality rate among Registered Indians decreased from 5.9 to 5.3 per thousand between 1985 and 1994. Between 1988 and 1996, injury and poisoning were the leading causes of death among Registered Indians. The category includes motor vehicle accidents, suicide and drowning. The Registered Indian population is young (over 42% under 25 years) and growing at a rate twice that of the Canadian population. The 1998 age distribution shows that young people (0-19) made up 40% of the Registered Indian population. (Department of Indian and Northern Affairs Canada, 1998).

1.8 Suicide

Suicide is approximately three times more common among Aboriginal people than non-Aboriginal people. It is also five to six times more prevalent among Aboriginal youth than non-Aboriginal youth. In First Nations communities, suicide is more prevalent among the young and usually results from feelings of hopelessness and despair.

1.9 Language, Education and Employment

Registered Indians are affiliated with one of the 604 bands found in Canada, accounting for three-fifths of the population known to reside on reserve and on Crown land. For the 15+ population reporting Aboriginal identity in Canada, the Aboriginal Peoples Survey reported that 139,375 reported speaking an Aboriginal language. Of these individuals who reported, those speaking Cree were the highest at 59,335, followed by Ojibwa at 23,600, and Inuktitut at 14,955.

The 1991 census data revealed that for the Aboriginal population there is a strong correlation between economic success and the duration of an individuals education. In 1991, 42.8 per cent of the Aboriginal population reported a high school level of education. The proportion of Aboriginal persons with less than a grade nine education declined to 18.4 per cent from 28.2 per cent in 1986. Aboriginal persons who attended university comprised 12.3 per cent in 1991 compared with 10.8 per cent in 1986. The unemployment rate for Aboriginal persons in 1991 was 19.4 per cent which is almost double the rate of unemployment for non-Aboriginals at 9.9 per cent. The average individual income for all Aboriginal persons in Canada in 1990 was $14,198 compared to $20,264 for a non-Aboriginal Canadian. (Statistics Canada, 1999).

2.0 Overview of Federal Offender Population

This section provides a comparative analysis of Aboriginal and non-Aboriginal involvement in the criminal justice system. The data was provided by Correctional Services Canada and the National Parole Board. Correctional Services Canada (CSC) represents one of the four principal components of the criminal justice system in Canada. The other three are police services, prosecutions and courts. The correctional system is divided into two administrative sectors. The federal sector is responsible for all offenders serving a sentence of two years or more, while the provincial sector provides custodial services to inmates serving a sentence of less than two years. It also prepares offenders for their return as useful citizens to the community. CSC provides services across the country to offenders within correctional institutions and in the community. The National Parole Board (NPB) is an independent administrative body that grants, denies and controls the conditional release of inmates from federal penitentiaries, and recommends the exercise of the Royal Prerogative of

Mercy and the granting of pardons. In addition, NPB exercises the same powers and responsibilities, with the exception of the granting of temporary absences, for provincial inmates in provinces and territories without their own parole boards.

Table 5

FEDERAL OFFENDER POPULATION						
	Incarcerated		Conditional Release		Total	
YEAR	#	%	#	%	#	% change
1989/90	12,035	60.6%	7,836	39.4%	19,871	--
1990/91	11,964	59.2%	8,248	40.8%	20,212	+1.7%
1991/92	12,719	59.8%	8,532	40.2%	21,251	+5.1%
1992/93	12,877	59.5%	8,749	40.5%	21,626	+1.8%
1993/94	13,560	60.3%	8,919	39.7%	22,479	+3.9%
1994/95	14,262	62.8%	8,465	37.2%	22,727	+1.1%
1995/96	14,183	62.9%	8,367	37.1%	22,550	-0.8%
1996/97	14,137	63.4%	8,163	36.6%	22,300	-1.1%
1997/98	13,399	61.0%	8,583	39.0%	21,982	-1.4%
1998/99	13,081	59.2%	9,016	40.8%	22,097	+0.5%

Excluded as of March 31, 1999 are: escapees (192), those on bail (113), and UAL (670). Source: CSC

The federal offender population increased between March, 1990 and March, 1995 (from 19,871 to 22,727) for a total increase of 14.4% (2,856). The offender population decreased each year between March 1995 and March 1998 (from 22,727 to 21,982) for a total decrease of 3.3% (745). In 1998/99, the federal offender population increased by 0.5% (115) to 22,097. The conditional release population increased by 5.0% in 1998/99 (433 to 9,016), while the federal incarcerated offender population continued to decline dropping 2.4% (318 to 13,081). The federal incarcerated offender population has declined by 8.3% (1,181), over the past four years from a ten year high of 14,262 on March 31, 1995 to 13,081 on March 31, 1999. As of March 31, 1999, the average age of the total federal offender population was 38 years old with the average inmate age being 36 years and the conditional release age being 40 years. The reasons for the increase in the offender population can be attributed to a number of reasons such as: the number of violent offenders and sex offenders, public attitudes about the effectiveness of the criminal justice system, legislative changes (i.e. four year minimum sentences for firearms), the involvement of an increased number of females coming into conflict with the law and the overepresentation of Aboriginal offenders in the justice system.

2. 1 Aboriginal People in the Criminal justice System

Aboriginal people come into conflict with the law disproportionately to their representation in the general population. While representing 2.7 per cent of Canada's population, self-identified Aboriginal people represent approximately 17 per cent of all admissions to federal institutions.
Adult Aboriginal people are incarcerated more than six times the national rate. In Saskatchewan, the adult Aboriginal incarceration rate is over 1,600 per 100,000, compared to 48 per 100,000 for adult non-Aboriginals. The number of Aboriginal offenders is expected to rise dramatically over the next decade due to the high rate of the Aboriginal youth population. Furthermore, according to data from the Canadian Centre for Justice Statistics Homicide Survey, approximately fifteen per cent of all homicides victims in a given year were Aboriginal.

2.1.1 National Parole Board Statistics

Aboriginal over-representation in the federal offender population continued to increase in 1997/98. Aboriginal offenders represented 17% of the total federal offender population in 1998/99 (up from 11% in 1991/92). Aboriginal offenders also continue to be far more likely to be incarcerated (17% versus 10.5%)

than on conditional release. The National Parole Board (1999) reported that Aboriginal offenders also tend be under-represented in the federal day and full parole population and over-represented in the statutory release population. Aboriginal offenders comprised 17% of total federal offender population in 1998/99 compared to:

- 13.1% of the federal day parole population ;
- 6.4% of the federal full parole population; and,
- 16.2% of the statutory release population .

A comparison of Aboriginal and non-Aboriginal offenders of parole outcomes over the last five years demonstrates that Aboriginal offenders were:

- 7% more likely to be granted an unescorted temporary absence; but,
- 4% less likely to be granted federal day parole;
- 5% less likely to be granted provincial day parole;
- 13% less likely to be granted federal full parole; and,
- 21% less likely to be granted provincial full parole.

Over the past four years Aboriginal offenders have been three times more likely to be charged with a serious offence while on day and full parole than non-Aboriginal offenders. They are also 2½ times more likely to be charged with a serious charge while on statutory release. Comparison between the outcome rates for Aboriginal and non-Aboriginal offenders on conditional release between 1997 and 1999 shows that Aboriginal offenders were:

- 11.8% less likely to successfully complete federal day parole (72.7% compared to 84.5%) and 4.2% more likely to recidivate (9.4% compared to 5.2%);
- 23.0% less likely to successfully complete determinate sentences on federal full parole (48.8% compared to 71.8%) and 12.9% more likely to recidivate (25.8% compared to 12.9%); and,
- 7.8% less likely to successfully complete statutory release (52.1% compared to 59.9%) and 1.6% more likely to recidivate (15.0% compared to 13.4%). (National Parole Board, 1999)

There are approximately 2,400 Aboriginal people in federal institutions and provincial institutions under the federal-provincial Exchange of Services Agreement, or on conditional release in the community. An estimated 70 per cent of all Aboriginal people sentenced to penitentiaries are either residents of urban (non-reserve) communities, or committed their offenses while off -reserve. Aboriginal peoples do not form a homogeneous group, culturally, geographically or by way of status that makes it difficult to implement comprehensive programs within institutions and at the community level. The Aboriginal population in federal institutions is made up of 71 per cent self-identified Indians, 25 per cent Métis and four per cent Inuit. (Correctional Services Canada, 1998).

The following data provides a statistical overview of Aboriginal offenders that was prepared by Correctional Services Canada following a five year review of the CCRA. It should be noted that the number of Aboriginal offenders represented in federal and provincial institutions may be an underestimate as many Aboriginal offenders do not identify themselves as such upon entry into a correctional facility.

- Aboriginal peoples are over-represented in the criminal justice system.

- Aboriginal offenders were more likely than non-Aboriginal offenders to be serving their sentence in an institution than to be in the community on supervision. Aboriginal offenders make up 15% of the federal incarcerated population while they comprise 9% of the population under supervision.

- Aboriginal offenders were more likely to be released on statutory release than on full parole. Of the 609 Aboriginal people on federal day, full, or statutory release supervision, 14% (87) were on day parole, 38% (230) were on full parole, and 48% (292) were on statutory release.

Comparable figures for the non-Aboriginal supervised population are: 12% (779) on day parole; 59% (3,744) on full parole; and 29% (1,826) on statutory release.

- The higher proportion of Aboriginal offenders on statutory release may partially account for the greater numbers incarcerated as offenders released on statutory release remain incarcerated for a larger percentage of their sentence.

- There is significant variation in the number and proportion of Aboriginal offenders across the regions. The distribution of federal Aboriginal offenders on March 31, 1997 ranged from lows of 4% in the Atlantic region and 6% in the Quebec to a high of 64% in the Prairie region.

- Analysis of risk assessment factors such as an offender's Risk/Need Assessment score, offence, and number of prior federal penitentiary terms showed that a larger percentage of Aboriginal offenders posed a higher risk.

    - Almost three-quarters (73%) of incarcerated federal Aboriginal offenders were classified as high risk compared to 61% of non-Aboriginal offenders--a difference of about 12%.
    - Aboriginal offenders were more likely to have been incarcerated for violent offences. A larger proportion of incarcerated Aboriginal offenders had been convicted of assault causing injury (28% versus 20%) and manslaughter (10% versus 6%). Aboriginal offenders were also more likely to be sexual offenders (26% versus 20%) and to have committed schedule 1 offences (72% versus 58%).
    - Fewer Aboriginal (59.2%) than non-Aboriginal (65.6%) incarcerated offenders were serving their first federal term while, twice as many Aboriginal (7.6%) as non-Aboriginal (3.8%) offenders had three or more prior terms.

- Differences between Aboriginal and non-Aboriginal day parole grant rates had been consistently widening from 6.2% in 1992/93 to 8.5% in 1995/96. However, in fiscal 1996/97, the federal day parole grant rate for Aboriginal (67.1%) and non-Aboriginal (66.3%) offenders was almost equal.

- Aboriginal offenders were less likely to be granted full parole. Comparatively, in 1996/97, the federal full parole grant rate for Aboriginal offenders was 34%, while it was 41% for non-Aboriginal offenders - a 7% difference.

- Proportionately, fewer of the full parole pre-release hearings for Aboriginal offenders were APR (32%) reviews than those for non-Aboriginal offenders (36%). In 1996/97, the regular full parole grant rate for Aboriginal offenders was 21% compared to 73% for APR reviews. In comparison, for non-Aboriginal offenders the regular full parole grant rate was 22% versus 84% for APR reviews. In the Prairies region, the rates for Aboriginal offenders were 25% and 74% respectively.

- The release rate also showed that proportionately fewer Aboriginal offenders were released on full parole. Aboriginal offenders were more likely to be released at their warrant expiry date (12% of Aboriginal compared to 6% of non-Aboriginal offenders) and less likely to be released on full parole (12% versus 15%).

- Aboriginal full parolees were granted parole later in their sentence than non-Aboriginal offenders. Over the five year period 1992/93-1996/97, the average proportion of sentence served prior to first release on full parole for definite sentenced non-Aboriginal offenders was 39% compared to 41% for Aboriginal offenders--a difference of 2%.

- One factor that could account for differences in full parole grant rates and time served post PED is the higher rate at which Aboriginal offenders (49%) waived their full parole hearing compared to non-Aboriginal offenders (30%). The waiver rate in the Pacific region was high for both

groups of offenders (57% and 51% respectively).

- These findings may partially explain the proportionately larger Aboriginal institutional population and the greater non-Aboriginal supervision population. Offenders released on statutory release or warrant expiry are released later in their sentence, and serve a greater part of their sentence in institutions. On the other hand, offenders released on full parole serve more of their sentence in the community.

- Aboriginal offenders were less likely to successfully complete their supervision period in the community and more likely to be revoked for a technical violation than were non-Aboriginal offenders. This finding suggested that Aboriginal offenders posed a higher risk, however, it was impossible from the data available to identify whether the apparent increased level of risk was real or perceived or whether risk management standards were consistent across regions and ethnicity.

- Aboriginal offenders were less likely to complete their supervision period in the community:
  - 77% of Aboriginal day parolees reached their supervision end date compared to 83% of non-Aboriginal day parolees;
  - 53% of Aboriginal offenders completed their full parole supervision compared to 66% of non-Aboriginal full parolees;
  - about half (48%) of Aboriginal offenders released on statutory release reached their WED compared to 58% of non-Aboriginal offenders.

- Aboriginal offenders were more likely to be revoked:
  - 23% of Aboriginal day parolees were revoked compared to 17% of non-Aboriginal day parolees;
  - 46% of Aboriginal offenders on full parole supervision were revoked compared to 32% of non-Aboriginal full parolees;
  - over half (51%) of Aboriginal offenders released on statutory release were revoked compared to 41% of non-Aboriginal offenders.

- Aboriginal offenders were more likely to be returned to prison for a technical violation of release conditions:
  - 20% of Aboriginal day parolees were revoked for a violation of conditions compared to 14% non-Aboriginal day parolees;
  - one-third of Aboriginal full parolees (33%) were reincarcerated for a technical violation of parole compared to 21% of non-Aboriginal full parolees;
  - 39% of Aboriginal statutory releases were revoked for technical violations compared to 29% of non-Aboriginal statutory releases.

- Almost similar proportions of Aboriginal non-Aboriginal offenders were revoked for a new offence:
  - Aboriginal day parolees (3%) were slightly less likely to be reincarcerated for an offence committed on supervision than were non-Aboriginal day parolees (4%);
  - Aboriginal offenders on full parole were slightly more likely to be revoked for a new offence (12% versus 11%);
  - almost equal proportions of Aboriginal (12%) and non-Aboriginal (12%) statutory releases were revoked for a new offence.

- A higher proportion of Aboriginal offenders were referred for a detention than non-Aboriginal offenders. However, both groups were detained at about the same rate (87%). Aboriginal offenders were slightly less likely to be released on regular statutory release (1% versus 3%) and slightly more likely to be given statutory release with a residency condition (6% versus 4%).

Source: Correctional Service Canada. CCRA 5 Year Review Aboriginal Offenders. February, 1998.

Table 6

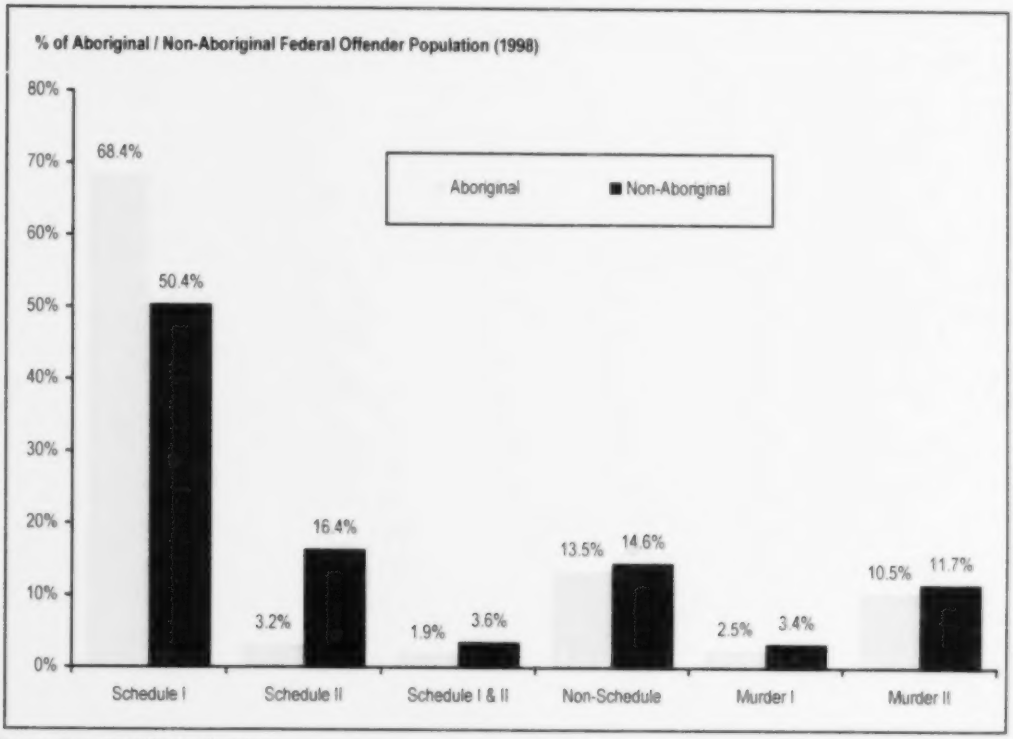
FEDERAL OFFENDER POPULATION by ABORIGINAL vs. NON-ABORIGINAL												
Year	Incarcerated				Conditional Release				Total			
	Aboriginal		Non-Aboriginal		Aboriginal		Non-Aboriginal		Aboriginal		Non-Aboriginal	
	#	%	#	%	#	%	#	%	#	%	#	%
1994/95	1853	13.0	12409	87.0	611	7.2	7854	92.8	2464	10.8	20263	89.2
1995/96	1912	13.5	12271	86.5	619	7.4	7748	92.6	2531	11.2	20019	88.8
1996/97	2069	14.6	12068	85.4	706	8.6	7457	91.4	2775	12.4	19525	87.6
1997/98	2103	15.7	11296	84.3	869	10.1	7714	89.9	2972	13.5	19010	86.5
1998/99	2230	17.0	10851	83.0	945	10.5	8071	89.5	3175	14.4	18922	85.6
5-Year Total	10167	14.7	58895	85.3	3750	8.8	38844	91.2	13917	12.5	97739	87.5

Excluded as of March 31, 1999 are: escapees (5 Aboriginal, 187 non-Aboriginal), those on bail (9 Aboriginal, 104 non-Aboriginal), and UAL (97 Aboriginal, 573 non-Aboriginal). **Source: CSC**

Aboriginal offenders represented 14.4% of the total federal offender population in 1998/99 (up from 13.5% in 1997/98 and 10.8% in 1994/95), compared to their 2.7% proportion of the Canadian adult population in the 1996 census. The total federal offender population has decreased by 2.8% (630) since March 1995. However, the Aboriginal offender population increased by 28.9% (711) during this period while the non-Aboriginal offender population dropped 6.6% (1341). (National Parole Board, 1999)

Aboriginal offenders are far more likely to be incarcerated than on conditional release. Aboriginal offenders accounted for 17.0% of the incarcerated population in 1998/99 compared to 10.5% of the conditional release population. Over the last 5 years Aboriginal offenders have accounted for 14.7% of the federal incarcerated population compared to 8.8% of the conditional release population. The average age for Aboriginal offenders in the total federal offender population, as of March 31, 1999, was 34.4 years compared to 38.4 years for non-Aboriginal offenders. (National Parole Board, 1999)

TABLE 7-ABORIGINAL PEOPLE ARE OVER-REPRESENTED IN SCHEDULE I OFFENCES



Source: Correctional Service Canada.

- Aboriginal offenders are over-represented in the category of Schedule I offences. Sixty-eight percent of all Aboriginal offenders are classified as Schedule I offenders compared to almost 51% of non-Aboriginal offenders.
- Slightly more than 3% of Aboriginal offenders are classified as Schedule II offenders compared to 16% of non-Aboriginal offenders.

Note:
Schedule I offences are sexual offences and other violent crimes.
Schedule II offences are serious drug offences, or conspiracy to commit serious drug offences.

TABLE 8-ABORIGINAL PEOPLE ARE OVER-REPRESENTED IN SCHEDULE I OFFENCES

Offence Category	Offender Status				Total	
	Incarcerated		Supervision			
	Aboriginal	Abori Non-ginal	Aboriginal	Abori Non-ginal	Aboriginal	Abori Non-ginal
Schedule I	1,471	6,315	640	3,613	2,111	9,928
Schedule II	49	1,007	50	2,222	99	3,229
Schedule I & II	38	447	21	255	59	702
Non-Schedule	246	1,410	170	1,467	416	2,877
Murder I	76	573	2	98	78	671
Murder II	223	1,378	101	921	324	2,299
Total	**2,103**	**11,130**	**984**	**8,576**	**3,087**	**19,706**

Source: Correctional Service Canada

Note:
Includes provincial sentences being served in federal institutions.
These data represent the counts as of March 31, 1998.

2.2 Aboriginal Offender Population

Correctional Service of Canada (1999) reported that for 1998-99, of the total aboriginal offender population, 60% are between the ages of 20 and 34 years, 59% are serving their first penitentiary term and 21% are serving a sentence less than three years. The highest percentage of offenders are serving a sentence for Schedule I offences (74%), followed by sexual offences (21%). (Correctional Services Canada, 1998).

The Canadian Centre for Justice Statistics (1998) reported that for 1997-98, Aboriginal offenders made up 32% of the total offender population of sentenced admissions to provincial/territorial and federal custody. The percentage of Aboriginal admissions ranged from a low of 1% in Quebec to a high of 72% in Saskatchewan. In all of the provinces/territories, the proportion of Aboriginal inmates was dramatically higher than the proportion of Aboriginal persons in the population. For example, in Saskatchewan the proportion of

Aboriginal persons incarcerated was over nine times their proportion in the provincial population (72% of the inmate population compared to 8%).

In Manitoba, 61% of the inmates were Aboriginal compared to 9% in the provincial population. In the other provinces/territories, the proportion of Aboriginal persons incarcerated ranged from twice to almost nine times their proportion of the provincial/territorial population. The highest percentage of the aboriginal offender population by region was in the western provinces (including Alberta, Saskatchewan and Manitoba) where aboriginal people constituted 39.0%, 72% and 61% of the offender population. The Pacific Region (British Columbia and the Yukon) was second in aboriginal offender populations where aboriginal offenders represented 16% and 41% of the total in their respective province. (Canadian Centre for Justice Statistics,1998)

The Canadian Centre for Justice Statistics (1999) reported that in 1997/98, the total percentage of Aboriginal peoples sentenced to provincial/territorial probation was 12%. However, Aboriginal people made up 96% of probation admissions in the Yukon. In Saskatchewan, 61% of Aboriginal persons were sentenced to probation, 24% in Alberta, 16% in British Columbia, 6% in Newfoundland, 6% in Quebec, and 7% in Ontario. Data for Prince Edward Island, New Brunswick, Manitoba and the Northwest Territories were not available.

2.2.1 CCJS One Day Snapshot

On October 5th, 1996, the Canadian Centre for Justice Statistics undertook a census of inmates in all correctional facilities in Canada. (Canadian Centre for Justice Statistics, 1999) The purpose of the study was to provide more detailed information on the make-up of federal and provincial/territorial inmate populations in Canada. The study focused on the profiles of three segments of the inmate population: females, Aboriginal inmates and inmates serving life sentences. It was the first time that extensive data on inmate characteristics were collected on a national level. The study revealed that a larger proportion of Aboriginal inmates were convicted of crimes against the person compared with non-Aboriginal inmates. (42% versus 31% within provincial/territorial facilities, 79% versus 72% within federal facilities). A significant larger number of Aboriginal than non-Aboriginal federal inmates were convicted of serious assault (10% versus 3%) and sexual assault (20% versus 12%). Among provincial/territorial inmates, Aboriginal inmates were slightly more likely than non-Aboriginal inmates to be convicted of serious assault (12% versus 5%), minor assault (8% versus 5%) and sexual assault (8% versus 6%).

The study also found that forty-eight per cent of Aboriginal inmates in provincial/territorial facilities had a grade nine education or less compared to thirty-one per cent of non-Aboriginal inmates. In federal institutions, fifty-six per cent of Aboriginal inmates had a grade nine education or less compared to thirty-one per cent of non-Aboriginal inmates. Seventy per cent of Aboriginal inmates were unemployed in provincial/territorial facilities and fifty-three per cent of Aboriginal inmates in federal facilities were unemployed at time of admission. In comparison, forty-seven per cent of provincial/territorial inmates and forty per cent of federal non-Aboriginal inmates were unemployed. There were also some similarities between the criminal histories of Aboriginal and non-Aboriginal inmates serving provincial/territorial sentences. Aboriginal inmates had two or more previous adult convictions (74% versus 62%), prior provincial/territorial incarcerations (77% versus 72%), and escape/attempt escape(9% versus 6%). Aboriginal inmates were also likely to be younger than non-Aboriginal inmates. Seventy-three per cent of provincial/territorial Aboriginal inmates were less than 35 years of age compared to sixty-one per cent on non-Aboriginal inmates. Sixty-three per cent of Aboriginal inmates were less than 35 years of age compared with forty-nine per cent of non-Aboriginal inmates within federal institutions.

2.3 Aboriginal Offenders and Parole Grant Rates

The individual tables presented below were prepared by the National Parole Board. Tables 9-12 identify links and relationships between parole grant rate and outcome rate statistics for Aboriginal and non-Aboriginal offenders serving federal sentences for violent and non-violent offences over the last five years.

Table 9

PAROLE GRANT RATES for LAST 5 YEARS (1994/95 to 1998/99)
For ABORIGINAL vs. NON-ABORIGINAL OFFENDERS

SERVING FEDERAL SENTENCES for VIOLENT and NON-VIOLENT OFFENCES

Release and Offence Type	Aboriginal Offenders			Non-Aboriginal Offenders			Variance (Aboriginal – Non-Abor.)
	Reviews	Grants	Grant Rate	Reviews	Grants	Grant Rate	
Day Parole							
Violent Offences	2,414	1,503	62.3%	14,964	9,512	63.6%	-1.3%
Non-Violent Offences	658	406	61.7%	8,105	5,788	71.4%	-9.7%
Total Day Parole	**3,072**	**1,909**	**62.1%**	**23,069**	**15,300**	**66.3%**	**-4.2%**
Full Parole							
Violent Offences	2,201	429	19.5%	13,877	3,335	24.0%	-4.5%
Non-Violent Offences	788	391	49.6%	9,305	5,843	62.8%	-13.2%
Total Full Parole	**2,989**	**820**	**27.4%**	**23,182**	**9,178**	**39.6%**	**-12.2%**

Source: National Parole Board

The grant rate variance between Aboriginal offenders and non-Aboriginal offenders serving sentences for violent offences over the last 5 years is very small for both day and full parole. Aboriginals with violent offences were 1.3% less likely to be granted day parole than non-Aboriginals, and 4.5% less likely to be granted full parole. Between 1996/97 to 1998/99, violent Aboriginal offenders were 3.1% more likely to be granted day parole than non-Aboriginal offenders (71.3% compared to 68.2%).

The grant rate variance between Aboriginal and non-Aboriginal offenders with non-violent offences was significantly larger for both day and full parole over the last five years. Aboriginal offenders with non-violent offences were 9.7% less likely to be granted day parole than non-Aboriginal offenders and 13.2% less likely to be granted full parole.

Table 10

**DAY PAROLE OUTCOME RATES for LAST 5 YEARS (1994/95 to 1998/99)
for ABORIGINAL vs. NON-ABORIGINAL OFFENDERS
SERVING FEDERAL SENTENCES for VIOLENT and NON-VIOLENT OFFENCES**

Outcome	Aboriginal				Non-Aboriginal				Variance (Abor. - Non-Abor.)	
	Violent		Non-Violent		Violent		Non-Violent			
	#	%	#	%	#	%	#	%	Violent	NON-VLT
Successful Completions	1039	75.0	244	67.6	7640	82.0	4535	82.8	**-7.0**	**-15.2**
Revocations for Breach of Conditions	258	18.6	67	18.6	1201	12.9	615	11.2	**+5.7**	**+7.4**
RECIDIVISM (Revocations with offence)										
Non-violent	61	4.4	39	10.8	310	3.3	304	5.6	**+1.1**	**+5.2**
Violent	27	1.9	11	3.0	168	1.8	22	0.4	**+0.1**	**+2.6**
Total Recidivism	**88**	**6.4**	**50**	**13.9**	**478**	**5.1**	**326**	**6.0**	**+1.3**	**+7.9**
Total Completions	**1385**	**100.0**	**361**	**100.0**	**9319**	**100.0**	**5476**	**100.0**		

Source: National Parole Board

Table 11

**FULL PAROLE OUTCOME RATES for LAST 5 YEARS (1994/95 to 1998/99)
for ABORIGINAL vs. NON-ABORIGINAL OFFENDERS
SERVING DETERMINATE FEDERAL SENTENCES
For VIOLENT and NON-VIOLENT OFFENCES**

Outcome	Aboriginal				Non-Aboriginal				Variance (Abor. - Non-Abor.)	
	Violent		Non-Violent		Violent		Non-Violent			
	#	%	#	%	#	%	#	%	Violent	NON-VLT
Successful Completions	238	60.4	119	34.3	2499	75.2	3806	64.9	**-14.8**	**-30.6**
Revocations for Breach of Conditions	90	22.8	115	33.1	438	13.2	1146	19.6	**+9.6**	**+13.5**
RECIDIVISM (Revocations with offence)										
Non-violent	37	9.4	98	28.2	256	7.7	830	14.2	**+1.7**	**+14.0**

Violent	29	7.4	15	4.3	131	3.9	79	1.3	**+3.5**	**+3.0**
Total Recidivism	**66**	**16.8**	**113**	**32.6**	**387**	**11.6**	**909**	**15.5**	**+5.2**	**+17.1**
Total Completions	**394**	**100.0**	**347**	**100.0**	**3324**	**100.0**	**5861**	**100.0**		

Source: National Parole Board PIRS

The federal day and full parole outcome rates tables indicate that Aboriginal offenders were significantly less likely to successfully complete their conditional release period and more likely to recidivate than non-Aboriginal offenders over the last five years.

2.3.1 Comparison of Parole Grant Rate and Outcome Rate Statistics:

There seems to be a correlation between In comparing the parole grant rates and the parole outcome rates for both violent and non-violent Aboriginal and non-Aboriginal offenders over the last five years.

- Aboriginal offenders with violent offences were 1.3% less likely to be granted day parole and, when granted day parole, they were 1.3% more likely to recidivate;
- Aboriginal offenders with violent offences were 4.5% less likely to be granted full parole and, when granted full parole, they were 5.2% more likely to recidivate;
- Aboriginal offenders with non-violent offences were 9.7% less likely to be granted day parole and, when granted day parole, they were 7.9% more likely to recidivate; and,
- Aboriginal offenders with non-violent offences were 13.2% less likely to be granted full parole and, when granted full parole, they were 17.1% more likely to recidivate.

A review of violent recidivism rates for offenders serving non-violent sentences over the last five years reveals that Aboriginal offenders were:

- 7.5 times more likely to recidivate violently while on day parole than non-Aboriginal offenders (3% compared to 0.4%); and,
- Over 3 times more likely to recidivate violently while on full parole than non-Aboriginal offenders (4.3% compared to 1.3%).

In comparison, Aboriginal offenders serving sentences for violent offences were:

- no more likely to recidivate violently while on day parole than non-Aboriginal offenders (1.9% compared to 1.8%) and,
- 1.9 times more likely to recidivate violently while on full parole than non-Aboriginal offenders (7.4% compared to 3.9%).

2.4 Urban vs. Rural Aboriginal Offenders

A recent study (Johnston, 1997) of Aboriginal inmates incarcerated in Canadian federal penitentiaries found that one-quarter (24%) of the group had originally came from reserve or remote areas; 44% originally came from rural areas, and 30% from urban areas. The interviewers did not ask about where the offenders had been living at the time of the offence. In addition, the study also found that a majority of the group had left their home community after their youth. Eighteen percent had lived in their home community all their life apart from periods spent incarcerated. Furthermore, the study found that 66% of the Aboriginal inmates incarcerated in federal penitentiaries were considered high-need. Forty-seven per cent were rated as both

high-need and high-risk. A majority were rated by case management officers and other penitentiary staff who knew them, as having needs in the following areas:

- substance abuse needs (88%),
- personal/emotional needs (82%),
- employment needs (63%), and
- education needs (54%).

A large proportion were also rated as having needs in relation to:

- pro-criminal attitudes (49%),
- marital and family issues (42%),
- community functioning (36%),
- criminal associates (33%), and
- sexual offending (31%).

Johnston reported that federal Aboriginal inmates rank spiritual or ceremonial activities as their first choice among Native activities available to them in federal penitentiaries, with other cultural activities also ranked relatively high. Almost half of the Aboriginal inmates interviewed stated that they participated in a Native activity in penitentiary daily or more than once a week..

LaPrairie's (1995) study of Aboriginal people living in the inner cores of four large Canadian cities revealed that:

- Three-quarters of all persons interviewed had suffered childhood abuse.
- Among these, one-quarter had experienced abuse "of the most severe kind".
- For most of the people interviewed, abuse and violence were facts of childhood and adult life.
- Many experience a high incidence of current instability in the home and family life.
- Many are chronically transient, moving around a great deal.
- Many experience severe or moderate problems in dealing with their own consumption of alcohol.
- Many have few skills and little formal education, chronic unemployment.
- They are subject to victimization more than other urban people. and
- Many lack any connection to stable influences other than drinking buddies.

LaPrairie (1992) also reviewed the relationship between demographic characteristics of aboriginal inmates in correctional institutions and those of registered Indians residing in urban areas. The study found that specific aboriginal groups are most vulnerable to the commission of crime and criminal justice processing. For example, registered Indians in specific geographic locations such as the inner cores of Western cities and in Winnipeg, Saskatoon, Regina and Edmonton. There are also differences in the demographic profiles of registered Indians in major eastern and western cities. This brings into question the assumption that all aboriginal people are equally vulnerable to the commission of crime and criminal justice processing. The findings from the study suggests that where an offense is committed is central to determining the response of the criminal justice system, unless the offense is very serious. Offenses committed off-reserve

are more likely to involve formal processing by the criminal justice system than those committed on-reserve. The problem may not be that the system treats aboriginal people differently but that it treats them the same. That factor, and the disproportion of offending patterns off-reserve, provide some insight into disproportional prison populations.

LaPrairie suggests that the characteristics of aboriginal offenders who enter correctional institutions are little different from those in non-aboriginal society (except that they are generally lower on all socio-economic indicators) and that mainstream criminological theories of crime can be applied as well to aboriginal society. In that context, socio-economic status is probably a stronger indicator of who is admitted to correctional institutions than is race. Furthermore, in order to acquire a better understanding of the over-representation of Aboriginal people in correctional institutions crime and disorder must be responded to differently in communities with majority and minority aboriginal populations. The variation in characteristics of registered Indians who live in or migrate to urban areas may explain the regional variation of aboriginal inmates in correctional institutions. She stresses that class may be a more important variable than race in explaining the over-representation of Aboriginal people in correctional institutions. The study concludes that crime prevention and alternative sentencing activities must be more clearly targeted if a decrease is to occur in the number of aboriginal people admitted to institutions.

Lajeunesse and Associates (1995) also undertook a program review of selected urban Aboriginal correctional programs in Canada. The report was based on a review of correctional aftercare and other programs delivered by seven selected urban Aboriginal agencies within Canada. It described a number of service delivery agencies and programs. Lajeunesse identified the following three needs which were considered critical to the advancement of services in this area:

- Further staff training for Aboriginal service personnel in the delivery of specific types of intervention with correctional clients;
- Improved networking within existing community resources, and;
- Information exchange with agencies and personnel involved in the provision of similar services.

The following issues were also recommended by aftercare services and government correctional agencies:

- Arriving at a satisfactory and stabilized funding formula;
- Increased communication between government liaison personnel and halfway house staff;
- Cross-cultural training for non-Aboriginal correctional staff; and
- Ensuring that institutional staff assist in advising Aboriginal inmates of the availability, criteria and process for accessing the services of halfway houses.

Aboriginal Communities and Criminal Justice

Each Aboriginal community is different and has unique needs with respect to justice issues. The reform of the justice system has been at the forefront of discussions between Aboriginal organizations and federal/provincial/territorial leaders. Aboriginal communities across Canada have begun to explore the possibility of administering various components of the criminal justice system. For example, several Aboriginal communities have returned to traditional methods of social control such as reinforcing traditional laws. Other communities are interested in developing their own laws, programs and policies. Aboriginal communities believe that new approaches must be developed to address the needs of Aboriginal people and resolving social conflicts. There has been progress over the past two decades, however, many problems still exist within the current relationship between Aboriginal communities and the criminal justice system.

Correctional Services Canada prepared a paper in February, 1999, outlining an overview of programs, services and issues related to Aboriginal offenders. The paper provides an analysis of the major issues affecting Aboriginal offenders across Canada. The major issues outlined by both the federal and provincial governments included the following:

- A multi-disciplinary approach is needed to address Aboriginal issues;
- Much of the understanding of problems within Aboriginal communities is based on anecdotal information and there appears to be little empirical data supporting what appears to be key Aboriginal obstacles;
- Limited partnering between government (internal and external, federal/provincial territorial) agencies, non-government agencies, and Aboriginal organizations in working in an integrated fashion to identify needs and to offer services;
- Limited training and resources to enable Aboriginal groups and organizations to take a more active role in justice issues;
- Limited literature regarding programming which most effectively supports successful Aboriginal reintegration;
- Lack of a comprehensive reintegration protocol involving other agencies and level of government;
- Self-government including devolution of correctional services;
- Difficulty recruiting and retaining Aboriginal staff;
- Delivery of services in remote and isolated First Nations communities where offender numbers are small;
- Difficulty engaging the Aboriginal community in the rehabilitation of Aboriginal offenders and the lack of coordinated Aboriginal services with defined responsibilties;
- The need to develop provincial protocol regarding involvement of community, band council, and/or tribal council on offender issues and release planning;
- There is a need to determine justice related programs services for Aboriginal people based on cultural needs. For example, some native people prefer to access mainstream jsutice programs whereas others would prefer culturally specific services; and
- There is a need to encourage community direction in social justice issues as a means of needs identification, community responsibility and individually focused action.

Crime Rates In Aboriginal Communities

Wood and Griffiths (1999) found that there are a number of similar patterns of crime in Aboriginal communities and among Aboriginal populations in Canada. They found that:

- The rates of violent crime and property crime in Aboriginal communities and in Aboriginal populations are very high, particularly in comparison with the rates for non-Aboriginal peoples;
- There is considerable variation in official crime rates between Aboriginal communities and among Aboriginal populations across Canada; and
- The types of offences committed by Aboriginal persons vary by age; younger individuasl tend to be more involved in committing property offences, while violent offences are generally committed by individuals who are somewhat older. (p.251)

Another recent report (Kowalski, 1998) reviewed whether there were disproportionate levels of crime committed in First Nations communities compared to non-First Nations communities. The report was limited to twenty First Nations police services in Quebec, five in Ontario, and one each in Alberta, Manitoba and Nova Scotia. Population estimates for First Nations communities for 1996 were provided by Indian and Nothern Affairs Canada. It should be noted that one should be cautious in extrapolating the characteristics of one respondent in the province to all First Nations police services in that province. All of the data is based upon aggregate UCR survey. Crime in First Nations communities was compared with crime in both small urban areas and in rural areas in the same province. The small urban sample used in the study was derived by selecting all urban areas within each province with similar populations to those reported in First Nations communities. The findings indicated that there were higher offence rates in First Nations communities (FNCs) compared to small urban and rural areas, particularly for violent crime. It should be noted that only 1996 data were used for this analysis.

Overall, violent offence rates were quite higher in First Nations Communities than in small urban and other rural areas. For example, in Quebec violent offences accounted for 23% of all Criminal Code offences

compared to 7% in small urban areas and 8% in other rural areas. In Ontario, violent offences accounted for 20% of all Criminal Code offences in First Nations Communities, compared to 11% in small urban areas and in rural areas. There were also differences between offence categories. Offence rates for crimes involving fraud and offensive weapons were low in First Nation Communities relative to small urban areas. Whereas, offence rates for break and enter, theft under $5,000, motor vehicle theft and assault were much higher in First Nations Communities. Youths in First Nations Communities also seem to be involved in a larger proportion of property crimes than youths in non-First Nations communities. Youths accounted for the same proportion of violent crimes committed both on and off reserve. Females in First Nation Communities were involved in a much higher proportion of violent crimes than females in non-First Nations communities. (Kowalski, 1998).

2.5 Sentencing Reforms

Canada's criminal justice system relies heavily on incarceration of offenders. In fact, Canada is one of the highest users of imprisonment in the world. Despite declining levels of most forms of crime, there is significant public support for the use of incarceration and punishment. This emphasis on incarceration as punishment has had a detrimental effect on Aboriginal offenders. In addition to the conditions that contribute to crime (poverty, poor education, unemployment, marginalization, substance abuse, sexual abuse and other forms of violence, etc.) which are particularly prevalent in Aboriginal communities, several other factors contribute to the disproportionate levels of Aboriginal incarceration. These include limited rehabilitative options and resources, imprisonment of First Nations people for offences against the system such as fine default and failure to appear and non-compliance with restitution Furthermore, the justice system has not been historically responsive to the needs of Aboriginal people. The federal government has implemented several sentencing strategies to address the overrepresentation of Aboriginal offenders in the criminal justice system.

In September, 1996, the federal government proclaimed Bill C-41. The Bill contained a number of provisions designed to alter the nature of the sentencing process in Canada. It also contained a statement of purposes and principles of sentencing and mandating harsher penalties for some offences. The reforms included the addition of a new sentence called a conditional sentence of imprisonment. If certain conditions are met, a Judge may, after imposing a term of imprisonment of less than two years in provincial/terrritorial facilities, may order the offender to serve the prison sentence in the community. The offender must follow a number of mandatory conditions. The conditions may include attending a treatment program or reporting to a probation officer. If the offender breaches the conditions, he/he will be returned to court for breach hearing. The purpose of this new disposition was to reduce the number of admissions to custody at the provincial/territorial level. From September, 1996 to March, 1998, 22,281 offenders began to serve a conditional term of imprisonment in the community. In 1996-97, Aboriginal offenders represented twelve per cent of the overall number of conditional sentences. The figure remained unchanged for 1997-98. (Canadian Centre for Justice Statistics, 1998)

Correctional Services Canada (CSC) is also establishing a framework and strategies to increase the utilisation of Section 81 and 84 of the Corrections and Conditional Release Act. (CCRA) These provisions provide an opportunity for CSC and Aboriginal communities to work towards alternatives to incarceration for Aboriginal offenders and more effective and culturally appropriate community corrections. CSC is currently working closely with several Aboriginal communities in the preparation of Aboriginal correctional services. Section 81 supports a wide spectrum of custodial or service delivery arrangements for the care and custody of Aboriginal inmates. Section 84 encourages the participation of Aboriginal communities in the release planning process by requiring CSC to consult with the community and seek their input. (Correctional Servic es Canada, 1998) The manual contains in-depth information on Section 81 and 84 of the CCRA.

Bibliography

Canadian Centre for Justice Statistics. (1999) Adult Correctional Services in Canada 1997-98. Catalogue 385-211-XIE. Minister of Industry:Ottawa.

Canadian Centre for Justice Statistics. (April, 1999). Female Inmates, Aboriginal Inmates, and Inmates Serving Life Sentences: A One Day Snapshot. Catalogue no.85-002-XPE. . Minister of Industry:Ottawa.

Correctional Service Canada. (February, 1998) CCRA 5 Year Review of Aboriginal Offenders.

Correctional Service Canada. (1998) Basic Facts About Federal Corrections.

Correctional Services Canada. (1998) Enhancing The Role of Aboriginal Communities in Federal Corrections.

Correctional Services Canada. (February, 1999). Federal/Provincial Overview of Programs, Services and Issues Related to Aboriginal Offenders.

Evans, John, Hann, Robert and Joan Nufffield. (1998). Crime and Corrections in the Northwest Territories. Government of the Northwest Territories.

Johnston, Joseph (1997) Aboriginal Offender Survey: Case Files and Interview Sample. Ottawa: Correctional Service Canada.

Hann, Robert. 1998. Report of a National Survey on Organized Crime and Corrections in Canada. Ministry of Solicitor General Canada.

Kowalksi, Melanie. (1998). Police Reported First Nations Statistics. Ministry of Solicitor General Canada. Unpublished Paper.

Lajeunesse, Therese and Associates (1995) Selected Urban Aboriginal Correctional Programs in Canada: A Program Review. Report APC 12 CA. Ottawa: Solicitor General Canada, Aboriginal Corrections Policy Unit.

Hann, Robert. 1998. Report of a National Survey on Organized Crime and Corrections.

Thérèse Lajeunesse and Associates (1995). Selected Urban Aboriginal Correctional Programs in Canada: A Program Review. Ministry of Solicitor General Canada

LaPrairie, Carol (1995) Seen but not Heard: Native People in the Inner City. Ottawa: Government Services Canada.

LaPrairie, Carol. (1996) Examining Aboriginal Corrections in Canada. Aboriginal Corrections. Ministry of Solicitor General Canada.

LaPrairie, Carol (1992) Dimensions of Aboriginal Over-Representation in Correctional Institutions and Implications for Crime Prevention. Report APC 4 CA. Ottawa: Solicitor General Canada, Aboriginal Corrections Policy Unit. (website: www.sgc.gc.ca)

National Parole Board. Performance Monitoring Report 1998-1999. Ottawa: Solicitor General of Canada.

Statistics Canada. (1993). Aboriginal Peoples Survey: Language, Tradition, Health, Lifestyle and Social Issues. Catalogue # 89-533. Ottawa:Supply and Services Canada.

Wood, Darryl S. and Curt Griffiths. (1999). Patterns of Aboriginal Crime. Crime In Canadian Society. Edited by Silverman, Teevan and Sacco.

File:CSC Manual Introduction